IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.280 OF 2006
IN
SECOND APPEAL NO.83 OF 2006

Gowardhan V. Deshmukh & Ors. ..Applicants.

V/s.

Shri Uttam V.Deshmukh. ..Respondent.

Mr.Umesh Mankapure for R.V.More for applicants.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 21, 2006.

P.C. :

1. Heard.

2. Explanation offered in the application is unacceptable. On the first occasion, matter was kept back at the request of the advocate for the appellants. At the second call, no one bothered to appear before this court. That is unacceptable. The advocate on record is obliged to appear before the court or atleast make arrangement to inform the Court about his difficulty, if any. By no standard, matter be allowed to go by default. However, as the litigant should not suffer for the mistake of the advocate on record, application is allowed in terms of prayer clause (a) on condition that the advocate

on record shall personally pay costs quantified at Rs.750/- within one week from today to the High Court Legal Services Committee, failing which office to proceed on the assumption that this application is dismissed for non-prosecution without further reference to the court.

3. Application disposed of accordingly.